

**TOWN OF UNDERHILL
SELECTBOARD SPECIAL MEETING
&
PUBLIC INFORMATIONAL HEARING
MINUTES
Underhill Town Hall
Tuesday, February 25, 2020 5:300 p.m.**

Selectboard: Pat Sabalis, Dan Steinbauer and Bob Stone

Town Staff: None

Public: Dan Manz and Daniel Lee.

5:30 p.m. Call to order, adjustments to agenda. Meeting called to order by Chair. No adjustments to agenda.

5:31 p.m. Public Comment Period. None.

5:32 p.m. Road Crew Vacancy. Chair noted 5 applications to consider.

5:33 p.m. Executive Session.

Pat Sabalis moved that the Selectboard enter into Executive Session to discuss the appointment or employment or evaluation of a public officer or employee under the provisions of 1 VSA §313 (a)(3) of the Vermont Statutes. Bob Stone seconded and the motion passed 3-0.

At 5:52 p.m. the Chair moved to exit the Executive Session concerning employment of a public employee. Bob Stone seconded and the motion passed 3-0.

At 5:53 p.m., Pat Sabalis moved that the Selectboard find that premature general public knowledge of the review of the lease agreement and net metering agreement between the Town of Underhill and Green Lantern Group would clearly place the Town at a substantial disadvantage in negotiations. Dan Steinbauer seconded and the motion passed 3-0.

Pat Sabalis moved that the Selectboard enter Executive session to discuss the lease agreement and net metering agreement between the Town of Underhill and Green Lantern Group under the provisions of Title 1, section 313(a)91)(A) of the Vermont Statutes. Dan Steinbauer seconded and the motion passed 3-0.

At 5:59 p.m., Pat Sabalis moved to exit executive session. Dan Steinbauer seconded and the motion passed 3-0.

Results of executive sessions: Selectboard will interview 2 candidates on Thursday morning, 2/27/20. Chair will draft a letter to Green Mountain Group about net metering agreement.

6:00 Public Informational Hearing on Town Meeting Australian Ballot Items.

The Chair called the hearing to order and noted that this was the hearing provided for in 17 V.S.A. §2680(g) to offer the opportunity for comments and questions pertaining to the Australian ballot items that were the subject of the hearing.

Article 7 Shall the voters approve acquisition by the Town of the Tomasi Meadow for conservation and recreation purposes at a cost to the Town of \$20,000 from a reserve fund?

The Tomasi family has generously offered to sell the 16-acre meadow across the road from their family home with an iconic view of Casey's Hill and Mt. Mansfield for less than the appraised value, so that it can be conserved for open space, agriculture and recreation. The Jericho-Underhill Land Trust and the Vermont Land Trust secured a grant of \$155,000 from the Vermont Housing & Conservation Board toward the purchase, and they are now raising funds from individuals. Underhill has an opportunity to buy and conserve this land for a contribution of \$20,000, which will be paid from a reserve fund that will not increase general fund expenditures for FY2021.

If the Town purchases the meadow, it will no longer collect municipal tax on the property. As a result, the municipal taxes of individual property owners will increase a small amount. As an example, the municipal taxes for an owner of a "typical" property in Underhill (listed value of \$285,000) would increase an estimated \$0.86 to absorb the foregone revenue from the meadow. The impact of foregone school taxes would be spread across taxpayers at the state level, not just Underhill taxpayers.

Article 8 Shall the Town amend Articles III, VII, and VIII of the Unified Land Use & Development Regulations by deleting those provisions that conflicted with or duplicated the amended Road, Driveway and Trail Ordinance approved by the Selectboard on December 18, 2018?

Underhill's Unified Land Use & Development Regulations (ULUDR) included provisions related to roadway and driveway standards that sometimes were redundant or in conflict with the Town's Road, Driveway and Trail Ordinance. This had the potential to create confusion for the Town's Staff, the Development Review Board, and applicants seeking roadway or driveway permits. If the voters approve this Article, all roadway and driveway standards (which were already incorporated into the Town's Road, Driveway and Trail Ordinance on December 18, 2018) will be removed from the ULUDR.

Article 9 Shall the Town create a reserve fund called the Decommissioning Fund for the purpose (if necessary) of paying to decommission the solar array in the old gravel pit on Beartown Road at the end of the lease term?

Article 10 Shall the Town allocate the solar array owner's first four annual lease payments (totaling \$13,000) to the Decommissioning Fund?

Articles 9 and 10 relate to the 150 KW solar array that will be installed this spring/summer in part of the old gravel pit on Beartown Road by Underhill GLC Solar, LLC (Owner). The Town has entered into a 20-year Land Lease Agreement with the Owner that includes options to extend the lease for three additional terms of five years. Under the Agreement, the Owner will pay annual lease payments to the Town of \$3,250 for the first 10 years and \$3,750 for the remaining term of the Agreement.

The Agreement provides that when it terminates, the Owner shall remove "all personal property and trade fixtures . . ., specifically including, but not limited to, all above- and below-ground improvements comprising the Solar Facility" within 120 days after the termination date. The Owner shall also "at its sole cost and expense, reasonably restore the Property to its original condition." GLC has estimated that this decommissioning work would cost about \$11,000.

The Selectboard was concerned by the possibility, however remote, that the Owner may not meet its obligations to remove the solar array when the Agreement ends in 20 to 35 years. To cover this contingency and protect future taxpayers, the Selectboard proposes to set up a Decommissioning Fund in the amount of \$13,000 in a separate interest-bearing account that will be available to pay for decommissioning costs (if necessary) when the Agreement ends 20 to 35 years from now. It also proposes to fund the Decommissioning Fund with the first four annual lease payments (\$3250 x 4), a total of \$13,000.

Article 11 Shall the Town allocate \$150,000 from the 2019 surplus to the Highway Reserve Fund?

At the conclusion of FY 2019, the Town had a surplus of \$208,978.00. Article 11 asks the voters whether they approve an allocation of \$150,000 from this surplus to the Highway Reserve Fund for infrastructure, which includes roads, bridges and culverts.

Article 12 Shall the Town allocate \$55,000 from the 2019 surplus to the General Contingency Fund?

Article 11 asks the voters whether they approve an allocation of \$55,000 from the FY2019 surplus to the General Contingency Fund, which could be used to cover unexpected expenses that may arise from time to time.

Article 13 Shall the Town authorize the Selectboard to borrow an amount not to exceed \$70,000 to be financed over a period not to exceed five years to purchase a new pick-up truck?

The Highway Department wants to purchase a new heavy duty one-ton truck outfitted with a new commercial grade flatbed, plow and sand spreader, which will carry the fuel transport tank when plowing and sanding are no longer required. This will replace the aging pickup truck with similar equipment. The plan is to finance this purchase with a five-year loan not to exceed \$70,000 rather than incur the entire cost in the coming fiscal year.

Article 14 Shall the Town appropriate \$3,126 in FY 2021 to Our Community Cares Camp to provide a free summer day camp and summer food program for children (ages 5-11) who are eligible for free/reduced lunch in Underhill and to provide an employment development program for youth (ages 14-16)?

Our Community Cares Camp (OCCC) seeks an appropriation of \$3,126 in FY2021 to fund a portion of its operating expenses during this upcoming transitional year. OCCC offers children from less affluent families in Underhill, Jericho, Bolton, Richmond and Huntington an opportunity to experience summer camp. It also provides a four week summer food program (breakfast and lunch) in July and August at five locations in the Chittenden East Supervisory Union and a summer job training program for teenagers. Last summer, 20 Underhill children participated in the summer food program at Browns River Middle School and 2 Underhill teenagers were hired in the job training program.

6:40 p.m. Chair moved to close and adjourn the Public Informational Hearing. Dan Steinbauer seconded and the motion passed by a vote of 3-0.

6:42 p.m. Adjournment. Chair moved to adjourn. Dan Steinbauer seconded and the Selectboard adjourned on a vote of 3-0.

Submitted by Pat Sabalis

Read and Approved as submitted/amended

 _____, Chair